

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims

1. (currently amended): A device for treating ischemic tissue, the device comprising: an elongate shaft having proximal and distal ends, a lumen extending therebetween; a control structure operably connected to the shaft for actuation of the device by user activation;

at least one injury effector adjacent the elongate shaft's distal end[[,]] and capable of inducing a mechanical, chemical, substance, or energy injury produced at [[a]] an ischemic tissue site in response to actuation by the control structure when the shaft's distal end is placed against or near [[a]] the ischemic tissue surface;

at least one therapeutic-substance delivery effector carried on the elongate shaft at the distal end thereof, said the at least one therapeutic-substance delivery effector having at least one therapeutic-substance delivery port through which a therapeutic-substance can be delivered from the at least one therapeutic-substance delivery effector into the ischemic tissue against or near which the at least one therapeutic-substance delivery effector is placed, each of said one or more the at least one injury effectors effector and said one or more the at least one therapeutic-substance delivery ports effector being spaced from one another at selected positions and adapted to be placed simultaneously against or near such the ischemic tissue; and

at least one therapeutic-substance source having a reservoir for storing a the therapeutic-substance and in substance communication with said one or more the at least one therapeutic-substance delivery ports port, and responsive to said control structure to eject the therapeutic-substance from said reservoir through said one or more the at least one therapeutic-substance delivery ports port into such the ischemic tissue;

wherein, said the control structure, when activated by a user, operates to actuate the at least one of said one or more injury effectors effector to create at least one site of injury, and additionally actuates said the at least one therapeutic-substance source to expel therapeutic-substance through said one or more the at least one therapeutic-substance delivery ports port to create one or more at least one site sites of therapeutic-substance infusion in the ischemic tissue in at one or more least one defined spaced-apart locations location with respect to the created one or more sites at least one site of injury.

2. (withdrawn): The device of claim 1 further comprising a marking effector for creating a treatment position marker.

3. (withdrawn): The device of claim 2 wherein the marking effector is separate from the injury and therapeutic-substance delivery effectors.

4. (withdrawn): The device of claim 2 wherein the marking effector is combined with at least one of the injury or therapeutic-substance delivery effectors.

5. (currently amended): The device of claim 1 wherein ~~the at least one of the one or more injury effectors effector and the at least one of the one or more therapeutic-substance delivery effectors effector~~ actuate simultaneously.

6. (currently amended): The device of claim 1 wherein ~~the at least one of the one or more injury effectors effector and the at least one of the one or more therapeutic-substance delivery effectors effector~~ actuate sequentially.

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7. (withdrawn): The device of claims 2, 3, or 4 wherein at least one of the one or more injury effectors, at least one of the one or more therapeutic-substance delivery effectors, and the marking effector actuate simultaneously.

8. (withdrawn): The device of claims 2, 3, or 4 wherein at least one of the one or more injury effectors, at least one of the one or more therapeutic-substance delivery effectors, and the marking effector actuate sequentially.

9. (withdrawn): The device of claims 2, 3, or 4 wherein the marking effector actuates independently from the one or more injury effectors or the one or more therapeutic-substance delivery effectors.

10. (currently amended): The device of claim 1 wherein ~~the at least one therapeutic-substance source is actuated independent of the actuation of the at least one of the one or more therapeutic-substance delivery effectors effector~~.

11. (currently amended): The device of claim 1 wherein the at least one therapeutic-substance source is actuated simultaneous ~~to~~ with the actuation of the at least one ~~of the one or more~~ therapeutic-substance delivery ~~effectors~~ effector.

12. (original): The device of claim 1 wherein the elongate shaft further comprises a steerable distal end.

13. (withdrawn): The device of claim 1 further comprising an optical viewing port located at or proximate the elongate shaft's distal end and being in optical communication with an imaging device.

14. (withdrawn): The device of claim 1 wherein the elongate shaft further comprises a contact sensor located at or proximate the elongate shaft's distal end.

15. (withdrawn): The device of claim 1 wherein the elongate shaft further comprises a positioning aid located at or proximate the elongate shaft's distal end.

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16. (withdrawn): The device of claim 1 wherein the elongate shaft is a catheter.

17. (original): The device of claim 1 wherein the elongate shaft is an endoscope.

18. (original): The device of claim 1 wherein the elongate shaft is an open surgical hand held device.

19. (withdrawn): A method of treating ischemic tissue comprising the steps of, identifying target tissue regions of ischemic tissue, providing a device that can upon activation and by a single placement of the device, cause an injury to at least one site of target tissue different than at least one site of target tissue where a therapeutic-substance is delivered, placing the device against the identified target tissue, and, activating the device to cause injury to selected sites within the target tissue, and to cause therapeutic-substance to be delivered to regions in the target tissue at preselected sites away from the sites of injury.

20. (withdrawn): A method for treating a target tissue comprising the steps of identifying the target tissue producing one or more sites of injury within said region, where multiple sites of injury, if produced, are at known relative positions with respect to one another, and infusing therapeutic-substance into on or more sites different than the one or more sites of injury.

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21. (withdrawn): A method of treating ischemic tissue comprising the steps of identifying a region of ischemic tissue within a patient's body producing one or more sites of injury within such region, where multiple sites, if produced, are at known relative positions with respect to one another, infusing therapeutic-substance into one or more sites different from such injury sites and at known positions away from such injury sites.

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